

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Friday, 13 March 2015 at 10.00 am.

Present:

Chairman: Councillor B W Butcher

Councillors: R J Thompson
M J Ovenden

Also present: Driver

Officers: Senior Solicitor
Licensing Team Leader
Licensing Enforcement Officer
Democratic Support Officer

28 APOLOGIES

Apologies for absence were received from Councillors B Gardner, P S Le Chevalier and S C Manion.

29 APPOINTMENT OF SUBSTITUTE MEMBERS

Councillor M J Ovenden was appointed as substitute for Councillor S C Manion.

30 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

31 MINUTES

The minutes of the meeting of the Committee held on 10 February 2015 were approved as a correct record and signed by the Chairman.

32 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor R J Thompson, duly seconded and

RESOLVED: That, under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the items to be considered involved the likely disclosure of exempt information as defined in the paragraph of Part I of Schedule 12A of the Act.

33 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR RENEWAL OF A JOINT DRIVER'S LICENCE

The Committee considered the report of the Licensing Team Leader on an application for the renewal of a Joint Hackney Carriage and Private Hire Driver's Licence where the applicant had failed to notify the authority of an accident which occurred in December 2014, within the required 72 hour period whilst driving a licensed vehicle. This was a breach of the Council's Hackney Carriage and Private Hire Licensing Policy. Together with this, the Committee was required to consider the cumulative effect of the number of accidents the driver had had since the issue

of the drivers licence the previous year and whether the driver remained a fit and proper person in accordance with the Act.

The Committee had previously reviewed the driver's Joint Driver Licence on 16 September 2014 following three accidents in the driver's licensed vehicle, only two of which were reported to the Licensing Team within 72 hours. The Committee resolved to suspend the driver's licence with immediate effect pending the successful passing of the DSA test. The driver passed the test on 7 October 2014 and the badge was reinstated.

It was reported to the Committee that the driver had an additional accident in the licensed vehicle since the preparation of the report, however; this had been reported to the Licensing Team within the required 72 hours.

The Committee withdrew to consider its decision and upon resuming the meeting the Senior Solicitor explained that she had advised the Committee in relation to the Local Government (Miscellaneous Provisions) Act 1976, in particular section 61 and the powers available to the Committee in relation to renewal or otherwise of the hackney carriage and private hire drivers' licence.

RESOLVED: That, in accordance with section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, the Committee do refuse to renew the driver's joint hackney carriage and private hire drivers licence on the ground of 'any other reasonable cause' for the following reasons:

- (a) That they no longer considered the driver to be a fit and proper person as required by the Act.
- (b) That they are extremely concerned that the driver had had 5 accidents since the grant of the licence in March 2014. They consider that there have been elements of distraction whilst driving in too many of these accidents and that the concerns about public safety are too great to ignore and go to the heart of whether the driver remains a fit and proper person;
- (c) That in addition, they consider that the failure to report the accident on 20 December 2014 to be unacceptable and that having been a licensed driver for a number of years the driver should have been aware of the duty to do so and that the driver had also been reminded of this duty during an interview with the Licensing Team Leader in August 2014.

The meeting ended at 12.19 pm.